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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revn DEPARTMENT

G.O. No.	1186	Press	
B.P. No.		Mis.	
Dated	7/8/1875	196	.

Not to be folded or roughly handled

No. 57. Read the following Proceeding the Board of Revenue, dated 10th July 1875, No. 1,925A :—

Read the followi papers :—

From A. WEDDEBURN, Esq., Collector of Coimbatore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 1st July 1875, No. 198.

With reference to the Proceedings of the Board of Revenue, No. 1,721, of 21st June 1875, I have the honor to forward translation of the arzi of the Tahsildar of Pollachy, to whom was communicate Order of the Board of Revenue, dated 14th June 1873, No. 1,015.

2. The Board, it will be noticed, in reply to my letter of the 9th December 1872, declined to give an opinion as to who should be registered as the heir, and replied to my suggestion as to Jotha Naicken, which was concurred in by all parties having legal interest in the estate, that the Collector should register the estate in the name of the "legal heir" and not interfere in any way, and that the succession to such estates is a matter for Civil Courts, not Government or its officers, to decide.

3. It is, however, necessary to register somebody's name, and the order having been transmitted to the Tahsildar to register the "legal heir," he was of opinion that the "rightful heir" was the widow, first wife of the deceased, who was registered as (*primâ facie*) heir and the matter communicated to the Board, 31st July 1873.

4. The person now (*i.e.*, 1st April 1875) considered to be the legal heir "Venkata Naick," died 8th August 1874. His son Mallayappa Naick, on the 20th May 1875, executed a deed of gift to his son Jotha Naick, the present plaintiff, after, by the Board's order, the question was remitted as to whether the widow would compromise the matter (with Venkata Naick)—*vide* Court of Ward's Proceedings, No. 775, of 1st April 1875.

5. As regards the agency of the Tahsildar, it is usual to get reports on all subjects from the Tahsildars; in this ca acted according to his impression of heirship, and sufficient cause did not a o cancel his proceedings. If the original suggestion of the family had be proved, Jotha Naick would have been put in possession.

Proceedings of the Madras Government, dated 7th July 1875, No. 1,030, Revenue Department.

Abstract.—Declining to accept the proposal to cancel the registration already made of the Avelappamputty Estate in Coimbatore District in the name of the senior widow of the late Zemindar, and issuing certain instructions on the subject.

Petition No. 1,529 of 1875.

In their Order of the 7th July 1875, No. 1,030, the Government have declined to accede to the Board's proposal at paragraph 10 of their Proceedings of 21st June, No. 1,721, relative to cancellation of registry of the Avelappamputty Polliem in the name of the widow of the late Poligar. From the Collector's letter above

recorded, however, it appears that t late Poligar's legal heir died on 8th August 1874, and that his son, Mallayappa Naick, has executed a deed of gift to his son Jotha Naick, the present plaintiff. A petition has also been presented by Jotha Naick stating that he is ready to withdraw the suit filed against the Collector provided the estate is registered in his name.

2. These circumstances materially alter the aspect of the case, and the Board are of opinion that the estate should be registered in the plaintiff's name provided Mallayappa Naick presents a razinamah transferring it to his son and requesting registration in his name. Should the Government, however, resolve to adhere to their decision not to permit cancellation of the registry, the Board submit that clause 3 of the prescribed answer requires amendment, as it can scarcely be contended that plaintiff has sustained no injury from the action of the revenue authorities placing the whole of the property in the possession of the widow who is only entitled to maintenance.

3. The Board have resolved to direct the Collector by telegram to apply for an adjournment for one month, and, pending the further orders of Government, have deferred the issue of instructions as to the course to be pursued.

4. The Collector does not even now explain where the register of estates is kept. From the Tahsildar's arzi it appears that the registry was effected by him. As already pointed out, that course was irregular, and the practice should be discontinued at once.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 58. Read the following Proceedings of the Board of Revenue, dated 29th July 1875, No. 2,136 :—

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 17th July 1875, No. [illegible] :—

With reference to the Proceedings of the Board of Revenue, dated 10th July 1875, No. 1,925A, and to the order of Government therein contained, I have the honor to state that I explained how the estate was registered in the name of the widow. I do not attempt to shift responsibility on the Tahsildar. The widow was in possession; and twenty bullahs of land were allotted for the maintenance of the other members of the family, who lived separately.

2. The registration printed book or list is kept in the Collector's office, and it was altered, after reference to the Board of Revenue, in Proceedings, Board of Revenue, dated 22nd September 1873, No. 6,259.

Submitted to Government in continuation of Board's Proceedings, dated 10th July 1875, No. 1,925A.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 59. Order thereon, 7th August 1875, No. 1,186.

Miscellaneous.

The Government are not prepared to order cancelment of the registration already made.

2. Under the altered circumstances, paragraph 3 of the draft answer sanctioned in G. O., 7th July 1875, No. 1,030, must be omitted.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated August, 7th.

Rect.

Encl.

G. O., 7th August 1875, No. 1,186.

AUGUST.

Nos. 57—59.

Avalampatty Estate in Coimbatore District.—Declining to order cancelment of the registration already made with respect to the —, and, under the altered circumstances, directing omission of paragraph 3 of the draft answer sanctioned in G. O., 7th July 1875, No. 1,030.

No. 1,925A.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th July 1875.

Read the following papers:—

From A. WEDDEBURN, Esq., Collector of Coimbatore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 1st July 1875, No. 198.

WITH reference to the Proceedings of the Board of Revenue, No. 1,721, of 21st June 1875, I have the honor to forward translation of the arzi of the Tahsildar of Pollachy, to whom was communicated the Order of the Board of Revenue, dated 14th June 1873, No. 1,015.

2. The Board, it will be noticed, in reply to my letter of the 9th December 1872, declined to give an opinion as to who should be registered as the heir, and replied to my suggestion as to Jotha Naicken, which was concurred in by all parties having legal interest in the estate, that the Collector should register the estate in the name of the "legal heir" and not interfere in any way, and that the succession to such estates is a matter for Civil Courts, not Government or its officers, to decide.

3. It is, however, necessary to register somebody's name, and the order having been transmitted to the Tahsildar to register the "legal heir," he was of opinion that the "rightful heir" was the widow, first wife of the deceased, who was registered as (*primâ facie*) heir and the matter communicated to the Board, 31st July 1873.

4. The person now (*i.e.*, 1st April 1875) considered to be the legal heir, "Venkata Naick," died 8th August 1874. His son Mallayappa Naick, on the 20th May 1875, executed a deed of gift to his son Jotha Naick, the present plaintiff, after, by the Board's order, the question was remitted as to whether the widow would compromise the matter (with Venkata Naick)—*vide* Court of Ward's Proceedings, No. 775, of 1st April 1875.

5. As regards the agency of the Tahsildar, it is usual to get reports on all subjects from the Tahsildars; in this case he acted according to his impression of heirship, and sufficient cause did not appear to cancel his proceedings. If the original suggestion of the family had been approved, Jotha Naick would have been put in possession.

ENCLOSURE No. 1.—Translation of Arzi.

Proceedings of the Madras Government, dated 7th July 1875, No. 1,030, Revenue Department.

ABSTRACT.—Declining to accept the proposal to cancel the registration already made of the Avelappamputty Estate in Coimbatore District in the name of the senior widow of the late Zemindar, and issuing certain instructions on the subject.

Petition No. 1,529 of 1875.

In their Order of the 7th July 1875, No. 1,030, the Government have declined to accede to the Board's proposal at paragraph 10 of their Proceedings of 21st June, No. 1,721, relative to cancellation of registry of the Avelappamputty Polliem in the name of the widow of the late Poligar. From the Collector's letter above recorded, however, it appears that the late Poligar's legal heir died on 8th August 1874, and that his son, Mallayappa Naick, has executed a deed of gift to his son Jotha Naick, the present plaintiff. A petition has also been presented by Jotha Naick stating that he is ready to withdraw the suit filed against the Collector provided the estate is registered in his name.

2. These circumstances materially alter the aspect of the case, and the Board are of opinion that the estate should be registered in the plaintiff's name provided Mallayappa Naick presents a razinamah transferring it to his son and requesting registration in his name. Should the Government, however, resolve to adhere to their decision not to permit cancellation of the registry, the Board submit that clause 3 of the prescribed answer requires amendment, as it can scarcely be contended that plaintiff has sustained no injury from the action of the revenue authorities placing the whole of the property in the possession of the widow who is only entitled to maintenance.

3. The Board have resolved to direct the Collector by telegram to apply for an adjournment for one month, and, pending the further orders of Government, have deferred the issue of instructions as to the course to be pursued.

4. The Collector does not even now explain where the register of estates is kept. From the Tahsildar's arzi it appears that the registry was effected by him. As already pointed out, that course was irregular, and the practice should be discontinued at once.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with copy of plaint, draft answer, translation of an arzi,
and a petition to be returned.

,, the Collector of Coimbatore, with copy of Government Order.

Exd. J. W. Fischer.

Rev 2756/75

1875.
Board of Revenue,
MADRAS.

PROCEEDINGS, 10TH JULY 1875, No. 1,925A.

Encl.

Received

JULY.
No. 1,925A.

Avelappamputty Polliem—in Coimbatore District.—Opinion expressed that—should be registered in Jotha Naick's name provided his father presents a razinamah transferring it to his son and requesting registration in his name. —Remarks passed on clause 3 of answer prescribed by Government in suit filed for recovery of the estate from the widows of the late proprietor.

Revenue Department

Proceedings of the Board of Revenue
dated 10th July 1875.

Read the following

No 198

From,
A. Wedderburn Esqre,
Collector of Coimbatore

To,
H. E. Stokes Esqre,
Ag Secretary to the Board of Revenue
Madras

Sir,

With reference to the Proceedings of the Board of Revenue No 1721 of 21st June 1875, I have the honor to forward translation of the Urzee of the Tahsildar of Pollachy, to whom was communicated the order of the Board of Revenue dated 14th June 1873 No 1015.

2. The Board, it will be noticed, in reply to my letter of the 9th December 72

declined

declined to give an opinion as to who should be registered as the heir, and replied to my suggestion as to Jotha Naiken – who was concurred in by all parties having legal interest in the estate, that the Collector should register the estate in the name of the "legal heir," and not interfere in any way, and that the succession to such estate is a matter for Civil Courts, not Government, or its Officers to decide.

3. It is however necessary to register somebody's name, and the orders having been transmitted to the Tahsildar to register the "legal heir" he was of opinion that the "rightful heir" was the widow

widow, 1st wife of the deceased, who was registered as (prima facie) heir, and the matter communicated to the Board, 31st July 1873.

4. The person now (i.e 1st April 1875) considered to be the legal heir, "Venkata Naik," died 8th August 1874. His son Malla-Yappa Naik, on the 20th May 1875, executed a deed of gift to his son Jotha Naik, the present plaintiff, after, by the Board's order, the question was remitted as to whether the widow would compromise the matter (with Venkata Naik) vide Court of Wards Proceedings No 75 of 1st April 1875.

5. As regards the agency of the Tahsildar, it is usual to get reports on all subjects from the Tahsildars,

in this case, he acted according to his impression of heirship and sufficient cause did not appear to cancel his proceedings. If the original suggestion of the family had been approved, Jothia Naick, would have been put in possession.

Coimbatore Collector's Office, 1st July 1875. } I have &c (Signed) A. Wedderburn Collector.

Read also Proceedings of the Madras Government, Revenue Deptt dd 7th July 1875 No 1030, declining proposal to cancel the registration of Avelappampatty Pollicm in Coimbatore Dt in the name of one of the widows of late Zemindar; sanctioning defence of the suit instituted by one Jothiah Naick for recovering the pollicm, & prescribing the answer to be filed.

Read Petition No 1529 of 1875.

In

1180

In their order of the 7th July 1875, No 1030 the Government have declined to accede to the Board's proposal at para 10 of their Proceedings of 21st June, No 1721 relative to cancellation of registry of the Avelappampatty Pollicm in the name of the widow of the late poligar. From the Collector's letter above recorded, however, it appears that the late poligar's legal heir died on 8th August 1874 and that his son Mallayappa Naick has executed a deed of gift to his son Jothia Naick the present plaintiff.

A petition has also been presented by Jotha Naicke stating that he is ready to withdraw the suits filed against the Collector provided the Estate is registered in his name.

2. These circumstances materially alter the aspect of the case and the Board are of opinion that the Estate should be registered in the Plaintiff's name provided. Malayappa Naick presents a Razeenamah transferring it to his son and requesting registration in his name. Should the Government however resolve to adhere to their decision not to permit cancellation of

of the Registry, the Board submit that clause 3 of the prescribed answer requires amendment as it can scarcely be contended that plaintiff has sustained no injury from the action of the Revenue authorities, placing the whole of the property in the possession of the widow who is only entitled to maintenance.

3. The Board have resolved to direct the Collector by telegram to apply for an adjournment for one month and pending the further orders of Government have deferred the issue of instructions as to the course to be pursued.

4. The Collector does not even

now

now explain where the Registers of Estates is kept. From the Tahsildars Urzee it appears that the registry was effected by him As already pointed out that Course was irregular and the practice should be discontinued at once.

(True copy & Extract)

C. Clayton
Ag Sub. Secretary

To
The Secretary to Government
Revenue Department

with Copy of Plaint draft Answer, translation of an Urzee and a Petition the returned

C. Clayton
Ag Sub Sec.

Revenue Department.

Proceedings of the Board of Revenue

Dated 29 July 1875, No 2185

Read the following

No 225

From

A. Wedderburn Esquire

Collector of Coimbatore.

To

H. C. Stokes Esquire

Acting Secretary to the

Board of Revenue

Madras.

Sir,

With reference to the Proceedings Board of Revenue 10 July 1875, and to the order of Government therein contained, I have the honor to state that I explained how the estate was registered in the name of the widow. I do not attempt to shift responsibility on the Talukdar - the

widow

Rev: 1875 - Oct
No 2756

Proceedings of the
Board of Revenue

Read 10 July 1875 -

Dated 10 July 1875 -

Read 10 [illegible]
[illegible]
en 4 Oct 1875

Ordered
Collector suggestion
report to effect
Pattayam
Estate
Estate
Estate
Estate
Estate
Estate

widow was in possession - and so much
of land were allotted for the mainte-
nance of the other members of the family,
who lived separately.

2. The registration printed book, or
list, is kept in the Collectors office, and
it was altered, after reference to the Board
of Revenue in Proceedings Board of Revenue
dated 22nd September 1873, No. 6259.

Coimbatore Collectors office
Coimbatore 17th July 1875.

Signed
A. Wedderburn
Collector.

Submitted to Government in confir-
mation of Board's Proceedings dated 16 July
1875, No 1925 A.

/ Sd/ Copy / Extract /

Actg Sub Secretary

To
The Secretary to Government
Revenue Department.

Pd
Compd
Copd

Rec'd Dept

11/26/1

K. E. to July 1875

Means for orders

Pers v Bd of Rev

Making certain suggestions in regard to defences of Suit filed by Jotham Kaiko for recovery of real & personal estate - formerly of the late Collector &c

The Board renew their recommendation that the registration of this estate be altered from the name of the widow & that of the Plaintiff Jotham Kaiko -

The circumstances are so far altered from those supposed & exist when the former order was passed, that Jotham Kaiko's pauperism is now reported by the Collector & have died in August 74 - Whether this circumstance was omitted by Mr. Weddenburn in his

Jam in the minority - but submit that I cannot see that the facts are changed - the main features of the case seem one or more complicated & little creditable - By following the Bd recommendation we draw a veil over the conduct of the Revenue authorities but really do not advance justice one jot - I myself would not cancel of course damage is sustained I am prepared that the Collector & pay the

Yes, under the altered circumstances we had better accept the Bd's suggestion BK

Rec'd 29 July 1875

Rec'd 29 July 1875

Collector's Letter Book

Admitting to Court Collector's letter from Coll of Customs relating that he has ex-plained about how the Auditors claimed Estate was registered - that the name of the widow appeared on the books & that the Estate was administered after the decease of the widow & not after the decease of the husband - Returned to Board in 1878.

P. 558.

letter of 10th June 1875
does not appear — nor
is it known why that
officer only was before
that on the 20th. May
1875 Mallayappa Naik
executed a deed of gift
to his son the present
Plaintiff Soliya Naik.

The Board argue that
under these circumstances
the Govt cannot as
proposed contend that
Plaintiff has suffered
no injury.

The Plaint is dated
5 Oct 1874. & does not
therefore carry with it
a right of action in
respect of any subsequent
rights. whatever they

may be. accruing from
the deed of gift.
Practically however it would
be open to Plaintiff to
recover by a fresh suit
as representative of
his father & grandfather
damages in respect of
all injury that they may
have sustained
owing to the illegal action
of the Rev. authorities.
In the answer proposed
the question of wrongful
registration as above
dealt with.

It appears however
that there is the further
& more important question
of pleading in the Petition
to be considered.

In para 7 of their Pet:
21. June. 1875. Rs 1721

the Board upon the Plaint in stating that the Collector put the Talukdar in possession & add "this can hardly be true but the Coll. does not contradict it.

A translation is sent herewith of the arzee of the Talukdar in which he complains that the Patwaree of the Collector ordering him to appear before him & make over the property of any. in his possession to the heirs. In para 3 of his letter of 1st Sept the Collr says "of the original application "of the family had been "attended to the case "would have been sent "in possession".

Here can be no doubt whatever that the widow besides being registered & having the mooreathee handed over to her was actually put in possession of the Pollyghat.

The Board observe that the Collector does not even now explain when the registered Estates is kept.

What he does say is "as regards the agency "of the Talukdar, it "is usual to get reports "on all subjects from "the Talukdars. In the

D. J

Here is a letter from the writer declaring that both hands of the parties was finded & enclosing also the Civil Judge's decree disciplining the applicate by forty lashes & allowed him to forfeit fourteen rupees

Resolved unanimously & the contrary opinion.

The Pl. says that Defr. could not explain his claim. Defr. denies & says not true.

"can be acted according
"to this impression of
"Leinster complainant
"came court. did not
"appear & cancel
"his Proceedings"

The Plaintiff was
often & withdrew his
suit if the State
registered in his name.
& it seems under
the circumstances the
best course to adopt
the Board advise
accept this offer.

The registration in the
widows name is no
doubt invalid. the
Tahsildar having no
power to register, as
one no interest either
represent Leinster. After

No 1186

Read Board Pro

10 July. 1875.

Read also. Bd of H

Pro. 29 July.

The Govt. are not prepared to order cancellation of the registration already made -

Under the altered circumstances from

No 3 of the draft Convention submitted in P. C.

7 July. 1875. 1930

must be omitted

Land Copy to the Board of Hea
Vaccine Copy do 17 Oc
7 August/75

Despatch pro. rdrs in Council

Ans 2 Aug/75 Pro 28 July/75.

Auckland Sanitary Letters
Outward No

(3)

Council